

AMENDED IN SENATE APRIL 7, 2008

**SENATE BILL**

**No. 1348**

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**Introduced by Senator Cedillo**

*(Coauthors: Senators Aanestad, Alquist, Cox, Kuehl, Maldonado,  
Negrete McLeod, Ridley-Thomas, and Yee)*

February 20, 2008

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An act to amend Section 104150 of the Health and Safety Code,  
relating to breast cancer.

LEGISLATIVE COUNSEL'S DIGEST

SB 1348, as amended, Cedillo. Breast cancer screening services.

Existing law requires the State Department of Public Health to provide breast cancer and cervical cancer screening services under a federal grant made under the federal Centers for Disease Control and Prevention breast and cervical cancer early detection program to eligible low-income individuals. Funding for these services is provided by a combination of federal and state moneys.

Existing law requires these services to be provided at the level of funding budgeted from state and other resources during the fiscal year in which the Legislature has appropriated funds to the department for this purpose.

Pursuant to federal policy, breast cancer screening services are provided to qualified women who are at least 40 years of age.

This bill would, notwithstanding any other provision of law, require the department to provide breast cancer screening services to ~~women who are 38 years of age and older if they are otherwise eligible to receive breast cancer screening services under existing~~ *any individual who meets both state and federal law eligibility requirements. This bill would require an individual under 40 years of age to receive screening services*

*if the individual is considered to be at high risk for breast cancer, as defined by the federal Centers for Disease Control and Prevention breast and cervical cancer early detection program.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 104150 of the Health and Safety Code  
2 is amended to read:

3 104150. (a) A provider or entity that participates in the grant  
4 made to the department by the federal Centers for Disease Control  
5 and Prevention breast and cervical cancer early detection program  
6 established under Title XV of the Public Health Service Act (42  
7 U.S.C. Sec. 300k et seq.) in accordance with requirements of  
8 Section 1504 of that act (42 U.S.C. Sec. 300n) may only render  
9 screening services under the grant to an individual if the provider  
10 or entity determines that the individual's family income does not  
11 exceed 200 percent of the federal poverty level.

12 (b) (1) The department shall provide for cervical cancer  
13 screening services under the grant at the level of funding budgeted  
14 from state and other resources during the fiscal year in which the  
15 Legislature has appropriated funds to the department for this  
16 purpose. These screening services shall not be deemed to be an  
17 entitlement.

18 (2) Notwithstanding any other provision of law, the department  
19 shall provide breast cancer screening services to ~~individuals who~~  
20 ~~are 38 years of age and older, provided the individual otherwise~~  
21 ~~meets all individuals who meet~~ both the state and federal eligibility  
22 requirements described in this section. *An individual under 40*  
23 *years of age shall receive screening services if the individual is*  
24 *considered to be at high risk for breast cancer, as defined by the*  
25 *federal Centers for Disease Control and Prevention breast and*  
26 *cervical cancer early detection program.*

27 (c) To implement the federal breast and cervical cancer early  
28 detection program specified in this section, the department may  
29 contract, to the extent permitted by Section 19130 of the  
30 Government Code, with public and private entities, or utilize  
31 existing health care service provider enrollment and payment  
32 mechanisms, including the Medi-Cal program's fiscal intermediary.

1 However, the Medi-Cal program's fiscal intermediary shall only  
2 be utilized if services provided under the program are specifically  
3 identified and reimbursed in a manner that does not claim federal  
4 financial reimbursement. Any contracts with, and the utilization  
5 of, the Medi-Cal program's fiscal intermediary shall not be subject  
6 to Chapter 3 (commencing with Section 12100) of Part 2 of  
7 Division 2 of the Public Contract Code. Contracts to implement  
8 the federal breast and cervical cancer early detection program  
9 entered into by the department with entities other than the Medi-Cal  
10 program's fiscal intermediary shall not be subject to Part 2  
11 (commencing with Section 10100) of Division 2 of the Public  
12 Contract Code.

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